



Town of Uxbridge
Zoning Board of Appeals
21 So. Main St.
Uxbridge, MA 01569
(508) 278-8603

DECISION

ZBA Case# FY08-34

Zone: Residence B

Property Location: 5 Highview Drive, Uxbridge, MA

Assessor's Map 18D, Parcel 1792

Worcester County District Registry of Deeds' Bk. 19088, Pg. 329

Applicant Name(s)/Owner Name(s): Thomas and Linda Christian

BACKGROUND

The applicant/owner of record Mr. Thomas and Linda Christian sought a variance from the Zoning By-laws due to a lack of area and frontage on property located at 5 Highview Drive, Uxbridge, MA shown on the Town of Uxbridge Assessor's Map 18D, Parcel 1792 and recorded in the Worcester County District Registry of Deeds Book 19088, Page 329 in the "Residence B" Zoning District. They petition to construct a 14' x 16' deck onto an existing deck. The existing lot lacks the required frontage of 200 feet and the required area of one acre. The plot plan shows 188.56' frontage, therefore a shortage of 11.44', and the area shows 38,953 square feet; a shortage of 4,607 square feet.

SUBMITTALS

Application form and materials, received April 14, 2008, and including the form, copy of abutters list, plot plan and fees.

DELIBERATIONS AND DECISION

At a meeting of the Town of Uxbridge Zoning Board of Appeals a duly noticed public hearing was opened and closed on May 7, 2008.

At the time the lot was created, the zoning bylaw required 20,000 square feet of area, and 165 feet of frontage on a corner lot. Therefore, the Zoning Board finds that this lot and the structure thereon are lawfully pre-existing and lawfully non-conforming.

The Board voted to convert this application to a determination pursuant to MGL Chapter 40A Section 6. The Board made findings that the proposed addition (deck) is an expansion that is not detrimental to the neighborhood and is no more nonconforming to the zoning bylaws than the existing non-conformity. Therefore the building permit should issue.

Voting Board Member Signatures:

Mark Wickstrom

Thomas Bentley

Bruce Desilets

Appeals, if any, from this decision shall be made pursuant to M.G.L. Chapter 40 A, Section 17 and filed within 20 days after the date of the filing in the Office of the Town Clerk.

I hereby certify that twenty (20) days has elapsed from the file date and no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk/Assistant Town Clerk

***YOU ARE REMINDED OF YOUR
RESPONSIBILITY TO RECORD THE
DECISION AT THE REGISTRY OF
DEEDS PER THE CERTIFICATE OF
GRANTING**

Town Seal